

Chase Berger, Esq. (24115617)
GHIDOTTI BERGER, LLP
600 E. John Carpenter Fwy., Ste. 175
Irving, TX 75062
Ph: (972) 893-3096
Fax: (949) 427-2732
bknotifications@ghidottiberger.com

Attorneys for Movant,
Carvana, LLC, its successors and/or assignees

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

IN RE:	§ CASE NO.: 20-41805
	§
Joshua Urquidez Ochoa, Sarah Lanette Ochoa,	§ CHAPTER 7
	§
DEBTORS,	§
	§
Carvana, LLC,	§
its successors and/or assignees,	§
	§
MOVANT,	§
	§
Joshua Urquidez Ochoa, Sarah Lanette Ochoa,	§
and Michelle Chow, Trustee,	§
	§
RESPONDENTS.	§
	§
	§
	§
	§
	§

PLEASE BE ADVISED THAT IT IS THE INTENTION OF MOVANT TO OFFER INTO EVIDENCE AT ANY HEARING ON THE MOTION FILED CONCURRENTLY WITH THIS AFFIDAVIT THIS AFFIDAVIT AND PAYMENT HISTORY PURSUANT TO THE FEDERAL RULES OF EVIDENCE, RULE 902(11). THIS AFFIDVIT AND PAYMENT HISTORY ARE BEING PROVIDED TO YOU IN ADVANCE AS AN ADVERSE PARTY IN ORER TO ALLOW YOU A FAIR OPPORTUNITY TO CHALLENGE SAID RECORDS. YOU ARE HEREBY PLACED ON NTOICE OF THIS INTENTION AS REQUIRED BY THE FEDERAL RULES OF EVIDENCE, RULE 902(11).

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

IN RE: § CASE NO.: 20-41805
§
Joshua Urquidez Ochoa, Sarah Lanette Ochoa, § CHAPTER 7
§
DEBTORS, §
§
§
§

**AFFIDAVIT IN SUPPORT OF
MOTION FOR RELIEF FROM AUTOMATIC STAY**

I Jennifer Cruise, being duly sworn, depose and say:

1. I am employed as a Senior Manager with Carvana, LLC ("Movant") and am authorized to sign this affidavit on behalf of Movant.
2. I am familiar with the manner and procedure by which the records of Movant are obtained, prepared, and maintained. Those records are obtained, prepared, and maintained by employees or agents of Movant in the performance of their regular business duties at or near the time, act, conditions, or events recorded thereon. The records are made either by persons with knowledge of the matters they record or from information obtained by person with such knowledge. It is my business practice to maintain these records in the regular course of business.
3. Movant has been responsible for the handling of all matters relative to the underlying Contract prior to the filing of the within motion, including but not limited to processing of all payments received, crediting of received payments, adding all proper charges to the Contract, confirming the maintenance of insurance, communicating with and responding to the borrower on all matters relative to the Contract.
4. I have personally reviewed Movant's records as they related to the Subject Contract obligation referred to herein, and as to the following facts, I know them to be true of own knowledge or I have gained knowledge of them from my review of Movant's business

records. If called upon to testify, I could and would competently testify to the following under oath.

5. The borrower, **Joshua Urquidez Ochoa** (“**Borrower**”) executed a Contract in favor of Movant in the original principal amount of \$8,777.63 (“Contract”). Movant is an entity entitled to enforce the Contract. A true and correct copy of the Contract is attached as **Exhibit “1”** and is incorporated herein by reference for all purposes.

6. All obligations (collectively, the “Obligations”) of the Debtor under the Contract are secured by a 2015 SMART FORTWO VIN #WMEEJ3BAXFK802502 (“Vehicle”) as evidenced by a Vehicle Certified of Title (“Title”) naming Movant as the legal owner thereof. A copy of the Title is attached hereto as **Exhibit “2”**

7. Subsequent to the execution of the Contract and Title, Debtors have filed for protection under Chapter 13 of Title 11 of the United States Code on August 21, 2020.

8. As of November 9, 2020, the outstanding Obligations under the Contract total \$6,699.95.

9. The current value of the Vehicle as of November 9, 2020 according to NADA is \$6,275.00. A true and correct copy of NADA’s valuation is attached hereto as **Exhibit “3”**.

///

///

///

///

///

///

///

///

///

///

///

10. As of November 9, 2020, the amount of delinquency owed to Movant was \$445.00 with the account due for the October 11, 2020 payment and the last payment having been received on September 12, 2020.

I solemnly affirm under penalty of perjury and upon personal knowledge that the contents of the foregoing affidavit are true. EXECUTED on, 11/20/2020.

Further Affiant sayeth not.

Jennifer Cruise (name)
Senior Manager (title)
Carvana, LLC

State of Arizona)
County of Maricopa)

Sworn/affirmed to and subscribed before me on this 20 day of November, 2020. Personally known ☒ or produced identification [].

Type of identification produced _____.

[Signature]
(Signature of Notary Public)

My commission expires 9-26-2021

Notary seal

